

REMARKS

Claims 1-31 remain pending in the application.

Double Patenting

The Examiner objected to claims 1-4, 6-10, 20-22 and 26-28 under 37 CFR 1.75 as allegedly being substantial duplicates of claims 11-14, 15-19, 23-25 and 29-31. The Examiner cites 35 USC 101 for support of the double patenting rejection which states that "whoever invents or discovers any new and useful process...may obtain a patent therefore...".

Once claims 1-31 are allowed, Applicants would obtain a patent. Thus, Applicant would not be "Double Patenting" the claimed features, i.e., would NOT be obtaining TWO patents for the same claimed features. Nevertheless, independent claims 11, 23 and 29 are amended herein to more clearly differentiate claimed features from those found in independent claims 1, 20 and 26.. The Applicants respectfully request the objection of claims 1-31 under 37 CFR 1.75 be withdrawn.

Claims 1, 2, 10-12, 19-21, 23, 24, 26, 27, 29 and 30 over Lohtia in view of Whitington

In the Office Action, claims 1, 2, 10-12, 19-21, 23, 24, 26, 27, 29 and 30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,560,456 to Lohtia et al. ("Lohtia") in view of U.S. Patent No. 6,131,028 to Whitington ("Whitington"). The Applicants respectfully traverse the rejection.

Claims 1, 2, 10-12, 19-21, 23, 24, 26, 27, 29 and 30 recite a system and method of receiving an information telephone call from a subscriber, a telephone number initiating the telephone call including at least one auxiliary digit appended to the telephone number beyond those associated with the information telephone call.

The Examiner acknowledges that Lohtia fails to disclose receiving an information telephone call from a subscriber, a telephone number initiating

the telephone call including at least one auxiliary digit appended to the telephone number beyond those associated with the information telephone call (See Office Action, page 4). The Examiner relies on Whitington to allegedly disclose such claimed features (See Office Action, pages 4 and 5). The Applicants respectfully disagree.

Whitington appears to disclose a features code that is prefixed to a telephone number (col. 3, lines 22-35). The feature code specifies the type of information a caller would like to receive (col. 3, lines 32-35). The telephone number associated with the feature code is a telephone number that an information service would call with the desired information (col. 3, lines 22-35).

Whitington discloses use of a telephone number associate with a feature code, the telephone number being a destination for desired information NOT disclosed as being used to initiate a telephone call. Thus, Whitington disclosing a prefix code prefixed to a destination telephone number for information associated with the prefix code NOT a telephone number initiating the telephone call including at least one auxiliary digit appended to the telephone number, as recited by claims 1, 2, 10-12, 19-21, 23, 24, 26, 27, 29 and 30.

Thus, even if it were obvious to modify Lohtia with the disclosure of Whitington, which it is not as discussed below, would at best result in a system and method of retrieving information by a communication device (Lohtia) through use of a prefix code prefixed to a destination telephone number for information associated with the prefix code (Whitington). Lohtia modified by the disclosure of Whitington fails to disclose or suggest a system and method of receiving an information telephone call from a subscriber, a telephone number initiating the telephone call including at least one auxiliary digit appended to the telephone number beyond those associated with the information telephone call, as recited by claims 1, 2, 10-12, 19-21, 23, 24, 26, 27, 29 and 30.

Moreover, the Examiner alleges that it would have been obvious to modify Lohtia to include a feature code appended to a telephone number as taught by Whitington for the purpose of automating a location finding service

(See Office Action, page 5). However, Lohtia discloses sending a digits request trigger or an SMS message to retrieve information. Whitington discloses sending a prefix code prefixed to a destination telephone number for information associated with the prefix code to retrieve information. Thus, Lohtia's information retrieval method is already automated to the same extent of Whitington information retrieval system in that both send a code to retrieve information. Modifying Lohtia would only change the method of initiating data retrieval NOT provide any greater degree of automation.

Accordingly, for at least all the above reasons, claims 1, 2, 10-12, 19-21, 23, 24, 26, 27, 29 and 30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 3, 4, 7-9, 13, 14, 17, 18, 22, 25, 28 and 31 over Lohtia in view of Whitington and Bar

In the Office Action, claims 3, 4, 7-9, 13, 14, 17, 18, 22, 25, 28 and 31 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lohtia in view of Whitington, and further in view of U.S. Patent No. 6,456,852 to Bar et al. ("Bar"). The Applicants respectfully traverse the rejection.

Claims 3, 4, 7-9, 13, 14, 17, 18, 22, 25, 28 and 31 recite a system and a method of receiving an information telephone call from a subscriber, a telephone number initiating the telephone call including at least one auxiliary digit appended to the telephone number beyond those associated with the information telephone call.

As discussed above, Lohtia in view of Whitington fails to disclose or suggest a system and method of receiving an information telephone call from a subscriber, a telephone number initiating the telephone call including at least one auxiliary digit appended to the telephone number beyond those associated with the information telephone call, as recited by claims 3, 4, 7-9, 13, 14, 17, 18, 22, 25, 28 and 31.

The Office Action relies on Bar to allegedly make up for the deficiencies in Lohtia in view of Whitington to arrive at the claimed features. The Applicants respectfully disagree.

As the Examiner apparently acknowledged by the Examiner's new reliance on Whitington to disclose the claimed features, Bar fails to disclose or suggest a system and a method of receiving an information telephone call from a subscriber, a telephone number initiating the telephone call including at least one auxiliary digit appended to the telephone number beyond those associated with the information telephone call, as recited by claims 3, 4, 7-9, 13, 14, 17, 18, 22, 25, 28 and 31.

Thus, Lohtia modified by Whitington and Bar would still fail to disclose or suggest a system and method of receiving an information telephone call from a subscriber, a telephone number initiating the telephone call including at least one auxiliary digit appended to the telephone number beyond those associated with the information telephone call, as recited by claims 3, 4, 7-9, 13, 14, 17, 18, 22, 25, 28 and 31.

Accordingly, for at least all the above reasons, claims 3, 4, 7-9, 13, 14, 17, 18, 22, 25, 28 and 31 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6 and 16 over Lohtia in view of Whitington and Hines

In the Office Action, claims 6 and 16 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lohtia in view of Whitington, and further in view of U.S. Patent Application Publication No. 2004/0203922 to Hines ("Hines"). The Applicants respectfully traverse the rejection.

Claims 6 and 16 recite a method of receiving an information telephone call from a subscriber, a telephone number initiating the telephone call including at least one auxiliary digit appended to the telephone number beyond those associated with the information telephone call.

As discussed above, Lohtia in view of Whitington fails to disclose or suggest a method of receiving an information telephone call from a subscriber, a

telephone number initiating the telephone call including at least one auxiliary digit appended to the telephone number beyond those associated with the information telephone call, as recited by claims 6 and 16.

The Office Action relies on Hines to allegedly make up for the deficiencies in Lohtia in view of Whitington to arrive at the claimed features. The Applicants respectfully disagree.

Hines discloses a system and method of returning presence information in response to a request for location information (See paragraphs 0013 and 014). However, Hines lacks any relationship to a method of receiving an information telephone call from a subscriber, a telephone number initiating the telephone call including at least one auxiliary digit appended to the telephone number beyond those associated with the information telephone call, as recited by claims 6 and 16.

Thus, even if it were obvious to modify Lohtia with the disclosure of Whitington and Hines (which it is not), the theoretical result fails to disclose or suggest a method of receiving an information telephone call from a subscriber, a telephone number initiating the telephone call including at least one auxiliary digit beyond those associated with the information telephone call, as recited by claims 6 and 16.

Accordingly, for at least all the above reasons, claims 6 and 16 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC
2000 M Street, N.W. 7th Floor
Washington D.C. 20036-3307
WHB/df